

COPY OF TRANSCRIPT

UNITED STATES DISTRICT COURT

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SOUTHERN DISTRICT OF NEW YORK

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KIMBERLY OSORIO and MICHELLE JOYCE,

Plaintiffs,

-against-

SOURCE ENTERPRISES, INC., SOURCE ENTERTAINMENT, INC., DAVID MAYS in his official and individual capacities, and RAYMOND SCOTT, also known as "BENZINO," in his official and individual capacities,

Defendants.

----- x
500 Pearl Street
New York, New York

May 26, 2006
9:41 a.m.

DEPOSITION of KIMBERLY OSORIO, a

Plaintiff in the above-entitled action, held at the above time and place, pursuant to Notice of the Honorable Jed Rakoff, taken before Tania C. Pedrosa, a shorthand reporter and Notary Public within and for the State of New York.

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2

A I can't remember at this time.

3

Q Have you ever heard the term
objectify women?

5

A Yes.

6

Q What does it mean to you?

7

A When women are looked at as objects
as opposed to people of equal standing to men.

9

Q Is that an issue that you felt was
in the hip hop industry?

11

A I feel that there are so many
issues within the hip hop industry. I can't
just name all of them. That can be an issue at
times but, you know, I don't want it to look
like that's what hip hop does, yeah, that can
be an issue.

17

Q Have you defended yourself?

18

MR. THOMPSON: Wait, I don't
think she was finished.

20

A As I stated, you know, that can be
an issue at times, but there is a lot of good
music out there that represents the hip hop
culture that may not necessarily, you know, get
any play in the media.

25

Q With respect to objectifying women

1 OSORIO 68

2 in hip hop, were there specific mediums, was it
3 in lyrics, was it in pictures or was it in
4 something else?

5 A I think there's this misconception
6 of what hip hop is from, you know, a small
7 amount of the videos that are out there that
8 may objectify women because I think that the
9 media tends to zone in on those videos or those
10 lyrics when they talk about hip hop and that's
11 just -- as I said, that's just one part.
12 That's not a representation of the whole.

13 Q Other than videos and lyrics, are
14 there also pictures that you believe in hip hop
15 that objectify women?

16 A I believe there are, not all
17 pictures, but I can tell the difference between
18 a model and a picture that's objectifying
19 women. It's not exclusive to hip hop. There
20 are images out there of women outside of hip
21 hop.

22 Q That are being objectifying?

23 A Yes.

24 Q In hip hop describe for me what
25 image you believe objectifies women?

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OSORIO

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2

A By image you mean picture?

3

Q We'll start with picture.

4

A An image that I believe would
objectify women or one that's already out there
or are you just hypothetically speaking?

7

Q Your opinion is what I'd like to
know.

9

A What's your question?

10

Hypothetically speaking, because I don't recall
any specific images.

12

Q Other than specific images, what is
your belief of a hip hop image that objectifies
women?

15

A A hip hop image, I don't recall
any.

17

Q Is there an image in your mind
other than hip hop that you believe to be
objectifying women?

20

A If a woman was maybe being raped or
doing -- maybe on her knees. I mean there are
images out there that I could see, you know,
where women are objectified. Are they
exclusive to hip hop, no, not at all.

25

Q What about women in scantily clad

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OSORIO

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clothes, is that objectifying women?

3

A I think there can be instances, but
in general I would say no because that's
modeling. Like if a women has a nice body and
she's a model for a hip hop publication or a
non hip hop publication like Maxim, no.

8

Q You don't find that objectifying
women; is that right?

10

A No, I don't.

11

Q What about women that are --

12

A Those women are voluntarily
modeling.

14

Q So if they weren't voluntarily
modeling and they were scantily clad you would
find that objectifying women?

17

A In pictures?

18

Q Yes.

19

A You mean like if someone snapped a
photo? I don't understand what you mean.

21

Q Someone who is not paid, who is not
a model and is wearing scantily clad clothes
and their image is captured, is that
objectifying a woman?

25

A Are they voluntarily wearing the

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OSORIO

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2

scantly clad clothing?

3

Q It's your image that we're talking
about.

5

A You volunteered it.

6

Q If she has the clothing on herself
and someone captures that image, is that
objectifying women?

9

A What's she doing in the image?

10

Q Let me go back for a moment. I'm
trying to understand what your belief is that
an image objectifies women. Thus far you have
given me two instances, a woman being raped and
a woman on her knees.

15

Anything else?

16

A Not just on her knees. I mean on
her knees maybe in front of a man. It depends
on the specific image, like we both can have
different images in our minds right now.

20

I can't see the image so I can't
tell you whether I feel like a woman is being
objectified in this particular image. I mean
if you create an image in your head I can't
answer your question and say okay, yes or no.

25

I don't know what you're thinking unless you

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OSORIO

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2

really explain to me what you mean.

3

A scantily clad woman as a model posing, I don't think that's necessarily being objectified, but I think that there also can be cases where it may be possible.

7

Q What are those cases where it may be possible that they're being objectified?

9

A Depending on what they're doing in the photo or how the photo is being used or whether there's any text to accompany that photo that makes the picture -- you know, makes the woman -- you know, it portrays her as an object.

15

Q Let's talk about the first thing, which is what acts they're doing in the photo.

17

What acts in a photo do you believe objectify women? We're still with the scantily clad model posing for an ad.

20

A I don't recall. I don't recall what acts.

22

Q Well, if they're performing a sex act, would that be objectifying a woman?

24

MR. THOMPSON: I'm going to object to this line of

25

1 OSORIO 73

2 questioning regarding the
3 hypotheticals you're posing to
4 Ms. Osorio.

5 MS. COLWIN: Okay.

6 (Whereupon, a short recess
7 was taken from 11:18 to 11:28
8 p.m.)

9 A I want to clarify something that I
10 said earlier.

11 Q Sure.

12 A You asked me whether I recall using
13 profanity at the workplace and there may have
14 been some profanity used in exchange with
15 Antoine Clark when he threatened me and used
16 profanity at me during an incident and I
17 believe I repeated back to him what he said.

18 Q How is it that you recall that now
19 after the break?

20 A I just remembered.

21 Q Was this during the break you had
22 with your counsel?

23 A Actually, while I was in the
24 bathroom.

25 Q Is this during the break you had

1 OSORIO

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2 with your counsel that you recalled?

3 A Yes.

4 MR. THOMPSON: For the
5 record, we had a break. She went
6 to the rest room. She wasn't
7 with counsel, for the record.

8 MS. COLWIN: I'm not asking
9 for anything else other than
10 during the break that she had
11 with counsel.

12 MR. THOMPSON: During the
13 break that we took.

14 Q Did you talk to counsel during your
15 break?

16 A Yes.

17 Q Going back to the pictures. I just
18 want to close a loop on this.

19 Is it your testimony that if
20 someone takes a picture, they're scantily clad,
21 they're a model, they do so voluntarily, that's
22 not objectifying women?

23 A I would have to see the picture.
24 You can't just -- I can't just say no to your
25 question. I would need to see the image.

1 OSORIO 75

2 Q I'm going to go through it before I
3 show you any images.

4 At The Source did you ever see any
5 pictures of scantily clad women who were
6 models, that were doing so voluntarily, that
7 you found offensive?

8 A I don't recall.

9 Q I'll go through what scantily clad
10 means. You've used the term scantily clad,
11 what do you mean by that?

12 MR. THOMPSON: Objection.

13 That misstates the testimony.

14 You used that term.

15 MS. COLWIN: She responded,
16 counsel.

17 MR. THOMPSON: You used it
18 first.

19 MS. COLWIN: I've asked her
20 questions regarding scantily
21 clad.

22 Q What's your understanding of
23 scantily clad?

24 A A little bit of clothing, bikini.

25 Q Anything else?

1

OSORIO

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2

A I'm sure there are others.

3

Q As you sit here today, can you recall any other examples of what you believe to be scantily clad clothing?

6

A Lingerie, certain types.

7

Q Did anyone while you worked at The Source come to you and say that they were offended by pictures of scantily clad women who work in the workplace?

11

A Did -- can you restate your question.

13

Q Did anyone while you worked at The Source come to you and say that they were offended by pictures of scantily clad women?

16

A Yes.

17

Q Who came to you?

18

A In the workplace I believe Adila came to me and said there were some pictures in the workplace.

21

Q Were those pictures of models that were scantily clad and did show voluntarily?

23

MR. THOMPSON: Objection.

24

Compound question.

25

Q What pictures were there that she

1 OSORIO

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2 was offended by?

3 A Pictures that were hanging on the
4 walls.

5 Q What did they look like?

6 A I don't recall.

7 Q When did she come to you about the
8 pictures?

9 A Because they were all over hanging
10 up.

11 Q When did she come to you?

12 A I don't recall.

13 Q Do you recall the year?

14 A I don't recall.

15 Q Was it in 2002?

16 A I don't remember the year.

17 Q When did she start working for you?

18 A For The Source?

19 Q Yes.

20 MR. THOMPSON: That's not
21 the question you initially asked.

22 A She started working for The Source
23 in 2000 I believe.

24 Q When did she start working for you?

25 A When I was promoted to Executive

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OSORIO

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2

Editor.

3

Q What year was that?

4

A I believe it was 2002.

5

Q Was it shortly after she began
6 working for you that she complained about the
7 pictures on the wall?

8

A I don't recall when it was exactly.

9

Q Did you express that complaint to
10 anyone within The Source?

11

A Did I express her complaint?

12

Q Yes.

13

A I think I told Julie. I think I
14 mentioned it to Traci McGregor.

15

Q Who was Traci McGregor at that
16 time?

17

A Traci was a VP of Continent
18 Communications. She was a senior person at the
19 company.

20

Q Did you put anything in writing
21 regarding Adila Francis' complaint to you?

22

A Not in writing, no.

23

Q Did you complain more than once on
24 behalf of Adila Francis?

25

A About the pictures?

1 OSORIO

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2 Q Yes.

3 A I don't recall if it was more than
4 once or if it was --

5 Q Were the pictures taken down?

6 A No.

7 Q Were the pictures ones that were
8 going to be used in the magazine?

9 A The pictures that she was referring
10 to, no.

11 Q The pictures she was referring to,
12 were these models that were scantily clad and
13 posed in the pictures voluntarily, as far as
14 you know?

15 MR. THOMPSON: Objection.

16 Compound question.

17 A Were these --

18 Q Were these models scantily clad in
19 the pictures?

20 A The pictures that she was
21 complaining about we're talking about?

22 Q Yes.

23 A Are not model pictures for The
24 Source.

25 Q What were they?

1 OSORIO 80

2 A They were random pictures of women
3 and she wasn't the only one that complained
4 about them.

5 Q Who else complained?

6 A Miranda Jane.

7 Q J-A-N-E?

8 A Yes.

9 Q Who is she?

10 A She was an Associate Editor.

11 Q Who else complained?

12 A Ann-Marie Nicholson.

13 Q Anyone else?

14 A Not that I can recall right now.

15 Q What was Ann-Marie Nicholson's
16 position?

17 A At what time?

18 Q At the time she made the complaints
19 to you.

20 A I don't recall.

21 Q Did you express Miranda Jane's
22 complaint and Ann-Marie Nicholson's complaint
23 as well?

24 MR. THOMPSON: To who?

25 MS. COLWIN: To anyone at

1 OSORIO 81

2 The Source.

3 A About the pictures?

4 Q Yes.

5 A Their particular complaints, no.

6 About the pictures in general, yes, I spoke to
7 Julie about the pictures in general, but
8 specifically their complaints, not that I can
9 recall.

10 Q Was anything done, to your
11 recollection, to those pictures after you
12 expressed your complaints?

13 A No.

14 Q They were remained on the wall?

15 A At what time?

16 Q After your complaints did they
17 remain on the wall?

18 A I mean guys just generally threw up
19 pictures all the time of women. I'm not
20 talking about pictures that were in the
21 magazine. I'm talking --

22 MR. THOMPSON: Go ahead,
23 finish your answer.

24 A I'm talking about like pictures of
25 women, you know, wearing bikinis, calendars,

1 OSORIO

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2 those sorts of pictures.

3 MR. THOMPSON: Ms. Colwin,
4 so we can have the record clear,
5 she's mentioned Julie twice.

6 Q You're talking about Julie Als; is
7 that correct?

8 A Yes.

9 Q When you mentioned Julie during
10 your testimony you meant Julie Als?

11 A Yes, the head of HR.

12 Q How are women portrayed in hip hop
13 in images?

14 MR. THOMPSON: Objection.

15 A In general?

16 Q Have you talked about the hip hop
17 industry on the radio?

18 A Yes.

19 Q Have you talked about the hip hop
20 industry on television?

21 A Yes.

22 Q Have you written articles about the
23 hip hop industry?

24 A Yes.

25 Q Would you consider yourself an

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OSORIO

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2

expert in the hip hop industry?

3

A Yes.

4

Q How are women portrayed in hip hop?

5

6

A Women in hip hop are portrayed in different ways.

7

Q Tell me the ways.

8

A Sometimes they're praised. Kanye West had a song about his mother, you know. Mos Def has had songs about, you know, his women. Tupac had a song about, you know, dear mama, keep your head up, talking to women. These are -- this is a way that, you know, women are portrayed in hip hop. They are hip hop artists, they've made these songs about women.

17

Q Other than praise for women, what

18

--

19

A Other than praise, women have also been criticized.

21

Q How so, other than what you've already testified?

23

A There are songs out there that I can't particularly recall right now, but there are songs where they've been referred to as a

24

25

1 OSORIO

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2 bitch or hoe.

3 Q What about images, how are women
4 portrayed in hip hop in images?

5 A What images are we talking about?

6 Q Pictures, videos. Start with
7 pictures.

8 A Give me a specific one and then
9 I'll tell you how that woman is portrayed and
10 then I can tell you. I can't just tell you oh,
11 in general women are portrayed like this. I
12 can't testify to that.

13 Q You have no opinion as to how women
14 are generally portrayed in hip hop when it
15 comes to pictures, is that what you're saying?

16 A I didn't say I have an opinion.

17 Q I'd like to hear your opinion.

18 A That's not what you asked before.

19 Q Then I'll rephrase the question.

20 What is your opinion as to how women are
21 portrayed in images in the hip hop industry?

22 A I think that there are times where
23 women are portrayed negatively, but there are
24 also times when women are portrayed positively.

25 Q When they're portrayed negatively,

1 OSORIO

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2 what do you mean by that?

3 A I would have to see images to be
4 able to explain what I mean.

5 Q Is it your testimony that you have
6 no independent recollection as to what your
7 opinion is as to what it means when women are
8 portrayed negatively in the hip hop industry
9 with respect to images?

10 A With respect to images, it depends
11 on the image, what the women are doing in the
12 image and what text accompanies the image.

13 Q As you sit here today, could you
14 give us examples of what you found to be
15 negative portrayals of women in hip hop images?

16 A Negative portrayals of women in hip
17 hop, I'm just not clear on what --

18 Q I'm only following up on what you
19 said to me.

20 A Okay. I don't recall.

21 Q Videos, what is your opinion on how
22 women are portrayed in hip hop videos?

23 A In what videos?

24 Q Do you have an opinion as to how
25 women are portrayed in hip hop with respect to

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OSORIO

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she was uncomfortable by something that he said. Janique Burke, I believe that there were incidents where Dale was asking her out, asking her to get with him, asking her to not only go out with him, but to get with him.

7

Q The term get with him, is what we've already defined as having sex?

9

A Having sex, right.

10

Q Who else?

11

A Michelle Joyce, there were comments made to her.

13

Q By whom?

14

A Wiz, something about a lollipop, that's to my memory. Also Miranda Jane was very, very offended by comments that Ray had made about Ashanti on the cover of the magazine having a fat pussy.

19

Q Was that once, a single incident, that he said that?

21

A I can't tell you how many times he said it. I can tell you what she told me he said to her.

24

Q Did you observe that comment from Ray Scott to Miranda Jane?

1 OSORIO 256

2 A No, she told me about it.

3 Q Did you observe the comment from
4 Wiz to Michelle Joyce concerning the lollipop?

5 A No, she told me about it.

6 Q Did you observe Ray or Dale Johnson
7 telling Janique Burke to get with him?

8 A No, that I heard about.

9 Q Did you observe the interaction
10 between Dale Johnson and Siobhan O'Connor?

11 A I saw some interaction. I don't
12 know what was said. I only know that she told
13 me it made her uncomfortable.

14 Q Did you believe the interaction was
15 inappropriate?

16 A She told me that it was
17 inappropriate. She told me that it made her
18 feel uncomfortable. I think Dale said
19 something about her chest and he used the word
20 tits, if I can recall.

21 Q Did you hear him say that to
22 Siobhan O'Connor?

23 A That's what -- I don't recall who
24 told me, whether it was Siobhan O'Connor that
25 told me or whether it was Adila. Siobhan